

12331. Misbranding of candy. U. S. v. Ameen Daher. Plea of guilty. Fine, \$25. (F. & D. No. 17702. I. S. Nos. 2581-v, 2702-v, 2704-v.)

On November 20, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ameen Daher, Atlantic City, N. J., alleging shipment by said defendant, in violation of the food and drugs act, as amended, in various consignments, namely, on or about November 21, 1922, and February 19 and March 14, 1923, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of candy which was misbranded. The article was labeled in part: "Daher's Salt Water Taffy One Pound Net 607 Boardwalk Atlantic City, N. J."

Examination by the Bureau of Chemistry of this department of 3 boxes taken from each of the consignments showed a variation in net weight from 14.95 ounces to 15.88 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the boxes containing the article, regarding the said article, was false and misleading in that the said statement represented that each of said boxes contained 1 pound net of candy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said boxes contained 1 pound net of candy, whereas, in truth and in fact, they did not, but each of said boxes contained a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12332. Adulteration of shell eggs. U. S. v. Farmers Union Produce Co., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 16235. I. S. No. 11006-t.)

On June 29, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Union Produce Co., a corporation, Quinter, Kans., alleging shipment by said company, in violation of the food and drugs act, on or about September 3, 1921, from the State of Kansas into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Farmers Union, Quinter, Kans."

Examination by the Bureau of Chemistry of this department of five cases from the consignment showed that 207 eggs or 23 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that the article consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On April 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12333. Misbranding of potatoes. U. S. v. 200 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18709. I. S. No. 14999-v. S. No. E-4856.)

On May 29, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 200 sacks of potatoes remaining in the original unbroken packages at Washington, D. C., consigned by the Wolverine Fruit & Produce Exchange, Grand Rapids, Mich., alleging that the article had been shipped on May 21, 1924, and transported from the State of Michigan into the District of Columbia, and charging misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Michigan U. S. Grade No. 1. 150 Lbs. Net Wt. when packed." The remainder of the said article was labeled in part: "Net Weight when Packed 150 Lbs. U. S. Grade No. 1."

Misbranding of the article was alleged in the libel for the reason that the statement appearing in the labeling, "U. S. Grade No. 1," was false and misleading and deceived and misled the purchaser.

On May 31, 1924, N. J. Ward, Washington, D. C., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12334. Misbranding of cottonseed meal. U. S. v. Peoples Oil and Fertilizer Co., a Corporation. Plea of nolo contendere. Fine, \$35. (F. & D. No. 17707. I. S. No. 3394-v.)

On October 17, 1923, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Peoples Oil and Fertilizer Co., a corporation, Anderson, S. C., alleging shipment by said company, in violation of the food and drugs act, on or about January 10, 1923, from the State of South Carolina into the State of North Carolina, of a quantity of cottonseed meal which was misbranded. The article was labeled, in part: (Tag) "Good Quality Cotton Seed Meal Manufactured By Peoples Oil and Fertilizer Company Anderson, S. C. Guaranteed Analysis Protein 36% * * * Fiber 14%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.75 per cent of protein and 14.62 per cent of crude fiber.

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Guaranteed Analysis Protein 36% Fiber 14%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article contained not less than 36 per cent of protein and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein and not more than 14 per cent of fiber, whereas, in truth and in fact, it did contain less than 36 per cent of protein and more than 14 per cent of fiber.

On November 28, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$35.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

12335. Misbranding of coffee. U. S. v. 159 Cans of Coffee. Consent decree of condemnation and forfeiture. Product released under bond (F. & D. Nos. 18456, 18457, 18480. I. S. Nos. 20618-v, 20619-v, 20620-v. S. Nos. W-1487, W-1488, W-1489.)

On March 15, 1924, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 159 cans of coffee remaining unsold in the original packages at Cheyenne, Wyo., alleging that the article had been shipped by the Independence Coffee and Spice Co., Denver, Colo., in various consignments, namely, on or about August 23, October 1, November 28, and December 31, 1923, respectively, and transported from the State of Colorado into the State of Wyoming, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Breakfast Call Coffee * * * One Pound" (or "Two Pounds" or "Three Pounds") "Steel Cut * * * The Independence Coffee And Spice Co. Denver, Colo."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the respective-sized cans containing the said article, namely, "One Pound," "Two Pounds," and "Three Pounds," were false and misleading, and for the further reason that the article was so marked as to deceive and mislead the purchaser in that the said cans purported to contain 1 pound, 2 pounds, and 3 pounds, respectively, whereas, in truth and in fact, the said cans contained less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity